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UTHE TECHNOLOGY CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UTHE TECHNOLOGY CORPORATION,

Plaintiff,

vs.

AETRIUM, INC., HARRY ALLEN, *et al.*,

Defendants.

Case No. 3:95-cv-02377-WHA

**JOINT REPORT OF RESOLUTION OF
DISCOVERY DISPUTE AND REQUEST
FOR CONTINUANCE OF DISCOVERY
MEET AND CONFER AND HEARING**

COME NOW Plaintiff Uthe Technology Corporation ("Uthe") and Defendants Aetrium, Inc. and Harry Allen, through undersigned counsel, and hereby notify the Court that while Defendants continue to object to the relevancy of the documents Uthe seeks in its Motion for Order Compelling Defendants to Produce Documents, filed on March 8, 2013 (ECF No. 155), Defendants have agreed to produce the documents sought by that Motion.

Defendants have agreed to produce all such documents by Monday, March 25, 2013.

Once the documents are produced, the motion will become moot. Accordingly, the parties jointly request that the Court continue the discovery meet-and-confer and hearing, currently set for Monday, March 18, 2013, two weeks, to Monday, April 1, 2013, or any other date that is convenient for the Court.

Once the documents are produced, Uthe will file a notice of withdrawal of its motion.

Respectfully submitted this 15th day of March, 2013,

OPPENHEIMER WOLFF & DONNELLY LLP

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/s/ David B. Potter _____
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Attorneys for Defendants AETRIUM, INC. AND
HARRY ALLEN

Attorneys for Plaintiff UTHE TECHNOLOGY
CORPORATION

[PROPOSED] ORDER

The parties' request for a continuance of the discovery meet and confer and hearing is granted. The meet and confer and hearing, currently set for Monday, March 18, 2013, at ~~9:00 a.m.~~ 11:30 a.m. and ~~1:30 p.m.~~, respectively, are hereby continued to April 1, 2013, at the same times. Plaintiff is ordered to file a notice of withdrawal of its motion upon completion of the production of documents by Defendants.

IT IS SO ORDERED.

Dated: March 15, 2013.

